

Appl. No.: 10/077,090
TC/A.U.: 3711 Docket No.: B01-11
Reply to Office Action of November 21, 2003

REMARKS

Claims 1, 3-17 and 19-39 appear in this application for the Examiner's review and consideration. Of these claims, claims 9, 11-12, 13-16, 24-27 and 30-33 were previously withdrawn from consideration. Claims 2 and 18 have been cancelled herein.

Claim 1 has been amended to recite the element of claim 2 limiting the dimples' perimeter to a regular polygon. The Examiner has acknowledged that claims 6, 22 and 23 are directed to allowable subject matter, and therefore, these claims have been re-written in independent form. Claim 19 has also been rewritten in independent form as discussed in more detail below.

Rejection Over U.S. Patent No. 2,002,726

Claims 1-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,002,726. The Examiner stated that the '726 patent taught the elements of claims 1-5 by teaching dimples having a square perimeter and a spherical depression. However, the Applicants respectfully submit that the '726 patent does not disclose all the elements of the claimed invention. In particular, the '726 patent does not teach a substantially spherical depression.

As the Examiner can appreciate, the cross-sections at different angles in a spherical dimple are the same. Thus, the radius of the cross-sections would be the same. The '726 patent specifically shows that the radii at different angles, shown in Figs. 3-6, are different. In fact, the dimple shown in the '726 patent has very distinct lines formed at the corners of the sides and that these edges run all the way to the bottom of the dimple. Thus, this dimple really has four sloped walls that are triangular in shape. The radius of the dimple is substantially smaller at the center of the sides than at the diagonals. The Examiner can also appreciate the aerodynamic effect on the ball will vary depending on the orientation of the dimple to the spin direction because of the radius changes. Conversely, with a substantially spherical dimple, the aerodynamic effect is substantially constant.

Thus, it is clear that the '726 patent does not teach a substantially spherical depression and does not anticipate claim 1 for at least this reason. As such, the Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

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Rejection Over 4,869,512 In View of U.S. Patent No. 2,002,726

Claims 1, 19-21, 28, 29 and 34-37 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,869,512 in view of U.S. Patent No. 2,002,726. The Examiner found that the '512 patent taught a golf ball having dimples with a straight side and arcs. However, the Examiner found that the '512 patent does not teach the shape of the depression at all. Thus, the Examiner relies on the '726 patent for teaching that the dimples can have a substantially spherical depression and the dimples in the '512 patent can be made as such. However, as set forth above, this is not the case. The '726 patent teaches four surfaces rather than a spherical depression. Independent claims 1 and 19 both include the limitation that the depressions are substantially spherical. Claims 28, 29 and 34-37 all depend from claim 1, and therefore, also include this limitation.

For at least these reasons, the Applicants believe that the obviousness rejections have been overcome. The Applicants respectfully request reconsideration and withdrawal thereof.

Conclusion

Based on the remarks set forth above, the Applicants believe that all of the rejections have been overcome and the claims of the subject application are in condition for allowance. Moreover, the Applicants believe that the claims previously withdrawn from consideration all depend from allowed claims, and therefore, should be reinstated. Should the Examiner have any further concerns or believe that a discussion with the Applicants' attorney would further the prosecution of this application, the Examiner is encouraged to call the attorney at the number below.

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At the time of filing, the above-identified Application included a total of 59 claims, 3 of which were independent claims. The application, after the present submission, has only, 37 claims in total, but has been amended to make a total of 5 independent claims. As such, a fee of \$172, for 2 additional independent claims, is believed to be due for this submission. A fee transmittal is submitted herewith. Please charge this and any other required fees to the Acushnet Company Deposit Account No. 502309.

Respectfully submitted,



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Date